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Sunset Advisory Commission Staff:

This correspondence intends to reflect the consensus view of majority of the 25 largest fire departments across the state regarding the Sunset review process of the Texas Commission on Fire Protection (Commission). We recognize the importance of public input in the Sunset review process and wish to provide our “first-hand knowledge and experiences.” Our intent is to ensure that the Texas Commission on Fire Protection fulfills its mission “to aid in the protection of lives and property of Texas citizens through the development and enforcement of recognized professional standards for individuals and the fire service” with effectiveness and efficiency. It is the feeling of this group that there are three (3) significant changes that need to be made to the structure of the TCFP. In short, we implore the Sunset Commission to recommend:

- The current structure of the Texas Commission on Fire Protection be reorganized to allow equitable representation of the larger fire departments in the State.
- Bringing the Firefighter Advisory Committee under the state statute that regulates advisory committees, *Texas Government Code, Title 10, Subtitle C, Chapter 2110*.
- Replace the de facto lifetime appointment of committee members on the Firefighter Advisory Committee to a structured term with term limits similar to the Texas Commission on Fire Protection, or another term consistent with the Texas Government Code.

To our first point, the Commission is primarily charged with the adoption and enforcement of standards for career fire departments of all sizes but is dominated by the influence of smaller and volunteer fire departments and outside organizations. Volunteer fire departments are not required to follow the rules and standards established by the Commission; however, these organizations have a significant amount of influence in the decision-making process. Not surprisingly, as a result of its current make-up, the Commission’s decisions and actions often ignore the needs and constraints of larger Texas fire departments.

The Commission is made up of members from both career and volunteer fire departments. Currently, four of the 13 current Commissioners have primarily volunteer backgrounds. Similarly, there are only five current Commissioners with career fire service backgrounds with one of those individuals being a civilian fire protection engineer. It is unreasonable that volunteer fire departments have equal representation on a Commission charged with regulating only the career fire service. Career and volunteer departments operate in very different fiscal and political environments, the lack of understanding the needs and operations of the larger departments in the state by the volunteer representation on the Commission is having an adverse effect on these career departments.

To further illustrate the impact of the Commissioners backgrounds in terms of smaller vs. larger departments, 11 of the 13 current Commissioners are from smaller municipalities with populations less than 200,000. The two Commissioners hailing from larger cities are a civilian attorney and a civilian fire protection engineer without significant fire suppression or emergency response experience. This ratio of smaller department representation is completely unreasonable when considering the fact that the top 25 largest departments in Texas protect almost 40 percent of the state's population yet have minimal input into the Commission's decision and rulemaking processes.

Larger career fire departments are charged with protecting denser populations with the possibility of responding to more complex incidents on a much greater frequency when compared to their smaller counterparts. For example, high-rise structures are not common in rural areas, and exponential spread of COVID-19 is more likely in dense populations, which serves as a sobering example of just how different the community needs of a dense urban or suburban area can be in comparison to sparsely populated rural jurisdictions.

**Therefore, we are requesting *Texas Government Code, Title 4, Subtitle B, Chapter 419, Sec. 419.004. Composition of Commission* be adjusted to reflect the population and tax payer impact that the larger municipal fire departments represent for the State of Texas. This should be done while maintaining guidelines set by the Sunset Commission in previous reviews of other state agencies. Applicants would go through the standard applicant process as developed by the State.**

An option for consideration to achieve a fair and proportionate Commission in Sec. 419.004(a):

- 4 members from the Public, not affiliated with the Fire Protection Industry
- 1 member appointed from a list of 5 nominees from the Texas State Association of Firefighters.
- 2 members from Fire Departments that serve a population over 500,000. These members would be from the rank of Fire Chief, Deputy Chief, or Assistant Chief of their department.
- 2 members from Fire Departments that serve a population between 200,000 and 500,000. These members would be from the rank of Fire Chief, Deputy Chief, or Assistant Chief of their department.
- 2 members from Fire Departments that serve a population under 200,000. This member would be from the rank of Fire Chief, Deputy Chief, or Assistant Chief of their department.
- 1 member would be a certified Fire Instructor from an institution of higher learning.
- 1 member is a certified Arson Investigator or Fire Protection Inspector from a Commission regulated Fire Department.

*Should be no more than 1 Commission member appointed per Fire Department*

Secondly, as noted in the Sunset staff report in 2009, the Fire Fighter Advisory Committee has not conformed with state standards for advisory committees. In fact, the previous Sunset

Advisory Commission recommended that the Fire Fighter Advisory Committee be abolished during the Fire Commission's last Sunset evaluation. Despite reforms during the previous Sunset process, the Fire Fighter Advisory Committee still wields a disproportionate amount of influence within the Commission and continues to act in more than an advisory role by setting the agenda as well as acting as a gatekeeper in the rulemaking process.

The Fire Fighter Advisory Committee, like the Commission itself, also lacks necessary balance as representation is heavily weighted toward volunteer and smaller fire departments. In addition, members of the Advisory Committee can be lower ranking officers who have not had the experience of administering a fire department, dealing with the complexities and impacts of upper leadership positions.

In our third concern, no set terms of service have been established for advisory committee members, and incumbents do not face competition for their positions. As a result, committee members have treated their positions with tenure and have pushed forward policies without any real accountability. Limited turnover has caused stagnation in the Texas fire service. There is also no current recourse for committee members that do not fulfill their obligations and with the current disproportionate representation bias in the committee recommendations is a concern. Furthermore, the commission or committees should not take arbitrary input, from industry representatives or vendors that try to influence rule changes for profit.

Applying the state's standards regarding advisory committees to the Texas Commission on Fire Protection should remedy the issues surrounding the Fire Fighter Advisory Committee. These standards are detailed in *Texas Government Code, Title 10, Subtitle C, Chapter 2110*. This statute requires that the composition of an advisory committee have balanced interests. The governing body would also have the authority to determine the advisory committee's purpose and scope along with designating its duration of service. We assume this implies that members of the advisory committee serve set terms as well. Resolving the conflict between this statute and that of the Texas Commission of Fire Protection has been an overlooked need in past legislative cycles. The Sunset Licensing and Regulation Model standards for advisory committees should also be applied as these practices have demonstrated their effectiveness for other state agencies.

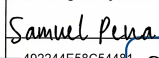
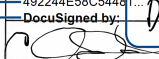
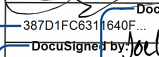

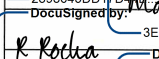
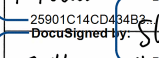


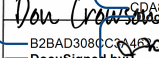

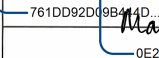


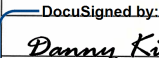
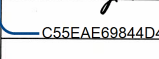
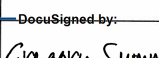
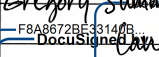
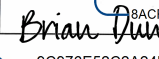
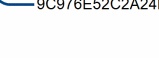




**Therefore, we are requesting the following changes to *Texas Government Code, Title 4, Subtitle B, Chapter 419***

- ***Sec. 419.008 General Powers and Duties (f)* be removed and abolishing this power from the commission.**
- ***Sec. 419.0082. Rulemaking (a)* should also be eliminated.**
- ***Sec. 419.023. Fire Fighter Advisory Committee. (a), (b), (c), (d), (e) and (f),* should either be removed from Chapter 419 or edited to address the misrepresentation and create set terms of service or term restrictions for committee members. *Texas Government Code, Title 10, Subtitle C, Chapter 2110* could be used for guidance.**

The structure and functions of the Texas Commission on Fire Protection's governing board and advisory committee have been identified as primary issues affecting the Texas fire service by the signatories of this letter. While there are other issues that the Sunset Commission should consider, the 3 major issues addressed in this letter, are considered dire to the success of the Commission in the future and to avoid unnecessary hardship on the departments it regulates. This letter does not intend to preclude any individual department from expressing additional concerns. We would also welcome the opportunity to work with and support the Sunset Commission to find agreeable solutions to these issues. The signatures that are on this document are Head of Departments that support what has been written in this document. They represent the majority of the largest twenty-five career fire departments throughout the State of Texas.

Respectfully Submitted for your Consideration,

Texas Large Municipal Fire Chief's

	Signature	Rank	Fire Department
1	 DocuSigned by: 492244E58C54481...	Fire Chief	Houston
2	 DocuSigned by: 194DFDD634BA446...	Fire Chief	Dallas
3	 DocuSigned by: 387D1FC631F640F...	Fire Chief	San Antonio
4	 DocuSigned by: F6CE0ZDA04A44EB...	Fire Chief	Austin
5	 DocuSigned by: 2898645DD17D4...	Fire Chief	Ft. Worth
6	 DocuSigned by: 3E692FE7890B41C...	Fire Chief	El Paso
7	 DocuSigned by: 25901C14CD434B2...	Fire Chief	Corpus Christi
8	 DocuSigned by: DDF2F33CF0BF43C...	Fire Chief	Lubbock
9	 DocuSigned by: 6871A346C0A499...	Fire Chief	Laredo
10	 DocuSigned by:	Fire Chief	Plano
11	 DocuSigned by: CD8AC5411D4E7...	Fire Chief	Irving
12	 DocuSigned by: B2BAD308CC7A4F...	Fire Chief	Arlington
13	 DocuSigned by: 9DD7690828C3411...	Fire Chief	Amarillo
14	 DocuSigned by: 761DD92D09B414D...	Fire Chief	Garland
15	 DocuSigned by: 0E25F38F3774427...	Fire Chief	Frisco
16	 DocuSigned by: 362E0D9D8EE042D...	Fire Chief	Killeen
17	 DocuSigned by: 2131D91B0F0545C...	Fire Chief	Grand Prairie
18	 DocuSigned by:	Fire Chief	Beaumont
19	 DocuSigned by: C55EAE69844D4D0...	Fire Chief	Midland
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21	 DocuSigned by:	Fire Chief	DFW Airport
22	 DocuSigned by: F8A8672BE3314FB...	Fire Chief	Mesquite
23	 DocuSigned by: 8ACF7BEE6DEF4C9...	Fire Chief	Waco
24	 DocuSigned by: 9C976E52C2A24B2...	Fire Chief	Abilene
25	 DocuSigned by:	Fire Chief	San Angelo